

96TH CONGRESS
1ST SESSION

H. R. 3762

To amend title 18, United States Code, to prohibit the unauthorized disclosure of information concerning individuals engaged or assisting in foreign intelligence or counterintelligence activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 1979

Mr. BENNETT introduced the following bill; which was referred jointly to the Committees on the Judiciary and Permanent Select Committee on Intelligence

A BILL

To amend title 18, United States Code, to prohibit the unauthorized disclosure of information concerning individuals engaged or assisting in foreign intelligence or counterintelligence activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Intelligence Officer Identi-
4 tity Protection Act of 1979".

5 SEC. 2. Chapter 37 of title 18, United States Code, is
6 amended by adding at the end thereof the following new
7 section:

1 **“§ 800. Unauthorized disclosure of information con-**
2 **cerning individuals engaged or assisting in**
3 **foreign intelligence or counterintelligence**
4 **activities**

5 “(a) Whoever, being or having been an officer or em-
6 ployee of the United States or member of the uniformed serv-
7 ices of the United States, knowingly discloses information
8 identifying any individual as associated with a department or
9 agency of the United States engaged in foreign intelligence
10 or counterintelligence activities, which association is classi-
11 fied and has not been publicly acknowledged by the United
12 States, to anyone not authorized to receive it, shall be im-
13 prisoned for not more than ten years or fined not more than
14 \$100,000, or both.

15 “(b) Whoever, having or having had lawful access to
16 information identifying individuals as associated with a de-
17 partment or agency of the United States engaged in foreign
18 intelligence or counterintelligence activities, knowingly dis-
19 closes information concerning any such association which is
20 classified and has not been publicly acknowledged by the
21 United States, to anyone not authorized to receive it, shall be
22 imprisoned for not more than ten years or fined not more
23 than \$100,000, or both.

24 “(c) Whoever knowingly discloses information identify-
25 ing any individual as associated with a department or agency

1 of the United States engaged in foreign intelligence or coun-
2 terintelligence activities, which association is classified and
3 has not been publicly acknowledged by the United States, to
4 anyone not authorized to receive it, where such disclosure
5 prejudices the safety or well-being of the individual identified,
6 or damages the foreign intelligence or counterintelligence ef-
7 forts of the United States, shall be imprisoned for not more
8 than ten years or fined not more than \$100,000, or both.

9 “(d) Whoever falsely asserts, publishes, or otherwise
10 claims that any individual is an officer or employee of a de-
11 partment or agency of the United States engaged in foreign
12 intelligence or counterintelligence activities, where such as-
13 sertion, publication, or claim prejudices the safety or well-
14 being of any officer, employee, or citizen of the United States
15 or adversely affects the foreign affairs functions of the United
16 States, shall be imprisoned for not more than five years or
17 fined not more than \$50,000, or both.

18 “(e) Whenever, in the judgment of the head of any de-
19 partment or agency engaged in foreign intelligence or coun-
20 terintelligence activities, any person is about to engage in
21 conduct that would constitute a violation of this Act, the At-
22 torney General, on behalf of the United States, may make
23 application to an appropriate United States district court for
24 an order enjoining such conduct. Upon a showing that the
25 safety or well-being of any officer, employee, or citizen of the

1 United States would likely be jeopardized or that irreparable
2 damage to United States foreign intelligence or counterintel-
3 ligence activities or foreign affairs functions would be likely
4 to result if such conduct is carried out, a permanent or tem-
5 porary injunction, restraining order, or other order may be
6 granted. Any proceeding conducted by a court under this
7 subsection for the purpose of determining whether any infor-
8 mation constitutes the type of information described in this
9 Act shall be held in camera.

10 “(f) No person other than a person described in subsec-
11 tions (a) and (b) of this Act shall be subject to prosecution as
12 an accomplice or accessory within the meaning of section 2
13 or 3 of title 18, United States Code, to the offenses pro-
14 scribed by subsections (a) and (b) or to prosecution for con-
15 spiracy to commit such offenses.

16 “(g) As used in this Act:

17 “(1) ‘Authorized’ means determined to have au-
18 thority, right, or permission pursuant to the provisions
19 of statute, Executive order, directive of the head of
20 any department or agency engaged in foreign intelli-
21 gence or counterintelligence activities, order of a judge
22 of any United States district court, or United States
23 Senate or House of Representatives resolution which
24 assigns primary responsibility for the oversight of intel-
25 ligence activities.

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1 “(2) ‘Discloses’ means to communicate, provide,
2 impart, transmit, transfer, convey, publish, or other-
3 wise make available to any person.

4 “(3) ‘Associated with’ means having a present or
5 former employment, contractual, or other cooperative
6 relationship.

7 “(4) ‘Lawful access’ means the opportunity to
8 know, receive, possess, or control pursuant to the pro-
9 visions of a statute, Executive order, directive of the
10 head of any department or agency engaged in foreign
11 intelligence or counterintelligence activities, order of a
12 judge of any United States district court, or United
13 States Senate or House of Representatives resolution
14 which assigns primary responsibility for oversight of in-
15 telligence activities.

16 “(5) ‘Classified’ means designated and clearly
17 marked or represented pursuant to the provisions of a
18 statute or Executive order or rule or regulation issued
19 pursuant thereto as information requiring protection
20 against unauthorized disclosure for reasons of national
21 security.

22 “(6) The words ‘officer,’ ‘employee,’ and ‘uni-
23 formed services’ shall have the same meaning as in
24 title V, United States Code, sections 2104, 2105, and
25 2101, respectively.”.

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